

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ORDER

Plaintiff Rev. Franklin C. Reaves, et al (“plaintiffs”) brought this civil action, *pro se*, on May 25, 2007. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the District Court grant the Marion Defendants’ Motion for Summary Judgment, grant the Mullins Defendants’ Motion for Summary Judgment, and deny Plaintiffs’ Motion to dismiss. (Doc. # 144). The plaintiffs filed objections to the report. (Doc. # 147). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case,

the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 144). However, the case remains open pending the resolution of the Marion Defendants' Motion for Sanctions for the failure of Plaintiffs to appear at their properly notified depositions. (Doc. # 140). Because of this Court's acceptance of the Report, the following pending motions are **MOOT**: Motion to Dispense with Mediation (Doc. # 102), Motion for Hearing (Doc. # 114), Motion to Amend/Correct Motion for Hearing (Doc. # 116), Motion to Bifurcate (Doc. # 129), Motion to Name Lead Counsel (Doc. # 130), and Motion for Hearing (Doc. # 135). Additionally, Plaintiffs' Motion to Strike the Magistrate Judge's previous order denying Plaintiffs' Motion to Strike is **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 8, 2010
Florence, South Carolina